

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

AGA Medical Corp.,))
)
Plaintiff,)	No. 0:10-cv-03734 (JNE/JSM)
v.)	
)	
W. L. Gore & Associates, Inc.,)	
)	
Defendant.)	
)	
)	

JOINT CLAIM CONSTRUCTION APPENDIX

Plaintiff AGA Medical, Corporation (“AGA”) and Defendant W.L. Gore & Associates, Inc. (“Gore”) submit this Joint Claim Construction Appendix in association with the parties’ claim construction briefing in the above-captioned case.

The below exhibits include the intrinsic and extrinsic evidence cited by the parties in the Joint Claim Construction Statement dated April 23, 2012 (D.I. 232.) The inclusion of any exhibit should not be construed as an admission that such exhibit is relevant and nonobjectionable. Both parties reserve all rights to object for any reason to any exhibit contained herein.

Ex. No.	Description	Appendix Pages
1	U.S. Patent No. 5,944,738	A0001 – A0012
2	The file history of U.S. Patent No. 5,944,738	A0013 – A0148
3	U.S. Patent No. 3,874,388 (King)	A0149 – A0168
4	U.S. Patent No. 4,836,204 (Landymore)	A0169 – A0176
5	U.S. Patent No. 4,917,089 (Sideris)	A0177 – A0182
6	U.S. Patent No. 4,991,602 (Amplatz)	A0183 – A0187
7	U.S. Patent No. 5,067,489 (Lind)	A0188 – A0192
8	U.S. Patent No. 5,108,420 (Marks)	A0193 – A0205
9	U.S. Patent No. 5,192,301 (Kamiya)	A0206 – A0218
10	U.S. Patent No. 5,284,488 (Sideris)	A0219 – A0225
11	U.S. Patent No. 5,334,217 (Das)	A0226 – A0245
12	U.S. Patent No. 5,342,393 (Stack)	A0246 – A0255
13	U.S. Patent No. 5,425,744 (Fagan)	A0256 – A0267

Ex. No.	Description	Appendix Pages
14	U.S. Patent No. 5,433,727 (Sideris)	A0268 – A0275
15	U.S. Patent No. 5,451,235 (Lock)	A0276 – A0289
16	U.S. Patent No. 5,536,274 (Neuss)	A0290 – A0301
17	U.S. Patent No. 5,634,936 (Linden)	A0302 – A0319
18	U.S. Patent No. 5,725,552 (Kotula, et al.)	A0320 – A0347
19	The file history of U.S. Patent No. 5,725,552	A0348 – A0570
20	U.S. Patent No. 5,733,294 (Forber)	A0571 – A0582
21	U.S. Patent No. 5,861,003 (Latson)	A0583 – A0595
22	U.S. Patent No. 5,879,366 (Shaw)	A0596 – A0618
23	U.S. Patent No. 6,080,182 (Shaw)	A0619 – A0669
24	U.S. Patent No. 6,123,715 (Amplatz, C.)	A0670 – A0693
25	EP Patent Application No. 0541,063	A0694 – A0706
26	German Patent DD 4222291 (Krmek) [English Translation]	A0707 – A0712
27	PCT Publication WO 1995/27448 (Kavteladze)	A0713 – A0737
28	PCT Publication WO 1996/01591	A0738 – A0805
29	PCT Publication WO 1998/2100 (Anson)	A0806 – A0838
30	WO 1998/27868 (Shaw)	A0839 – A0914
31	“Atrial septal thickness and area in normal heart specimens and in those with ostium secundum atrial septal defects”, GC Rosenquist, et al. <i>J. Clin. Ultrasound</i> 7:354-348 (1979).	A0915 – A0919
32	“Nonsurgical closure of patent ductus arteriosus: clinical application of the Rashkind PDA Occluder System,” W.J. Rashkind, et al, <i>Therapy and Prevention</i> ; 1987 75(3):583-592.	A0920 – A0929
33	“The anatomy of the interatrial septum: a transesophageal echocardiographic study”, ME Swinger, <i>American Heart Journal</i> , 119(6):1401-1405 (1990).	A0930 – A0936
34	“Experimental atrial septal defect closure with a new, transcatheter, self-centering device,” Das et al., <i>Circulation</i> , 1993(88):1754-64.	A0937 – A0948
35	“Morpho-functional assessment of interatrial septum: a transesophageal echocardiographic study”, D. Galzerano, et al., <i>International Journal of Cardiology</i> , 51:73-77 (1995).	A0949 – A0953
36	“Effectiveness of a thermal shape-memory patent ductus arteriosus occlusion coil,” Liu et al., <i>Am. Heart J.</i> ; 1996(131):1018-23.	A0954 – A0959
37	“Secundum-ASD Closure with a New Self-Expanding Prosthesis in Swine,” Sharafuddin et al., Abstracts From the 69th Scientific Sessions, New Orleans Convention Center, New Orleans, Louisiana, Oct. 15, 1996, <i>Circulation</i> 1996(94):I56.	A0960 – A0963

Ex. No.	Description	Appendix Pages
38	“Total UK multi-centre experience with a novel arterial occlusion device (Duct Occlud pfm),” Tometzki et al., <i>Heart</i> ; 1996(76): 520-24.	A0964 – A0968
39	“Transvenous closure of secundum atrial septal defects”, Sharafuddin et al., <i>Circulation</i> 1997:95, 2162-68.	A0969 – A0977
40	<i>Dorland's Illustrated Medical Dictionary</i> , 28th Edition (1994), pages 298, 557.	A0978 – A0981
41	<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> , 5th Edition (1994), page1113.	A0982 – A0985
42	<i>Random House Webster's College Dictionary</i> , 2nd Edition (1997), pages 36, 257, 363, 380, 434, 496, 680, 1106, 1170, 1179, 1188.	A0986 – A0998
43	<i>Webster's New Universal Unabridged Dictionary</i> , Deluxe Second Edition (1983), pages 120, 294, 1404, 1641.	A0999 – A1005
44	<i>Webster's Third New International Dictionary of the English Language</i> , Unabridged (1993), pages 140, 363.	A1006 – A1010
45	<i>Random House Unabridged Dictionary</i> , 2nd Edition (1993), pages 403, 733, 1638, 1759.	A1011 – A1016
46	<i>The New Shorter Oxford English Dictionary</i> , (1993), pages 438, 973, 2562, 2812.	A1017 – A1022
47	<i>The American Heritage Dictionary</i> , 3rd Edition, (1992), pages 171, 322, 701, 752.	A1023 – A1028
48	<i>Webster's New World Dictionary</i> , 3rd Edition, (1990), pages 98, 118, 227, 310, 501, 540.	A1029 – A1036
49	HELEX Deployment Training manual (March 21, 2001) FILED UNDER SEAL	A1037 – A1124
50	HELEX Septal Occluder Instructions for Use (July 2007)	A1125 – A1142
51	Gore Training Manual for the HELEX Septal Occluder (October 2005)	A1143 – A1181
52	Key Learning Points for HELEX Septal Occluder (October 3, 2002) FILED UNDER SEAL	A1182 – A1184
53	Excerpt from Instructions for Use (pgs 2-3) FILED UNDER SEAL	A1185 – A1186
54	Meeting Agenda for HELEX Septal Occluder Data Safety Monitoring Board Meeting in Vail, CO (February 25, 2000) FILED UNDER SEAL	A1187 – A1193

Dated: June 5, 2012

Respectfully submitted,

AGA Medical Corp.

s/J. Derek Vandenburgh

Alan G. Carlson (MN Bar No. 14,801)
J. Derek Vandenburgh (MN Bar No. 224,145)
R.J. Zayed (MN Bar No. 309,849)
Tara C. Norgard (MN Bar No. 307,683)
Samuel T. Lockner (MN Bar No. 341,095)
Jonathan D. Carpenter (MN Bar No. 387,511)
CARLSON, CASPERS, VANDENBURGH
LINDQUIST & SCHUMAN P.A.
225 South Sixth Street
Suite 4200
Minneapolis, Minnesota 55402
Phone: 612-436-9600
Fax: 612-436-9605
E-mail: slockner@carlsoncaspers.com

Respectfully submitted,

W.L. GORE & ASSOCIATES, INC.

s/Matthew K. Blackburn

Matthew K. Blackburn (CA #261959)

LOCKE LORD LLP

44 Montgomery Street

Suite 2400

San Francisco, CA 94104

Phone: (415) 318-8810

Fax: (415) 676-5816

E-mail: mblackburn@lockelord.com

John F. Sweeney (NY #1394568)

Andrea L. Wayda (NY #2524932)

Steven M. Purdy (NY #4406823)

LOCKE LORD LLP

Three World Financial Center

New York, New York 10281-2101

Phone: (212) 415-8600

Fax: (212) 303-2754

Email: jsweeney@lockelord.com

Email: awayda@lockelord.com

Email: spurdy@lockelord.com

Myoka Kim Goodin (CA #229073)

Patrick C. Gallagher (IL #6294674)

LOCKE LORD LLP

111 South Wacker Drive

Chicago, IL 60606-4410

Phone: (312) 443-0700

Fax: (312) 443-0336

Email: mkgoodin@lockelord.com

Email: pgallagher@lockelord.com

James W. Poradek (#290488)

Katherine S. Razavi (#388958)
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
Telephone: 612-766-7000
Facsimile: 612-766-1600
E-mail: iporadek@faegre.com
E-mail: krazavi@faegre.com

